

Surface Mining Reclamation and Enforcement, Interior

§ 944.25

Original amendment submission date	Date of final publication	Citation/description
December 23, 1999 ..	4/24/01	Definitions of "abandoned site," "other treatment facilities," "previously mined area," "qualified laboratory," and "significant recreational, timber, economic, or other values incompatible with coal mining and reclamation operations" at Utah Admin. R. 645-100-200; Utah Admin. R. 645-301-514.320 and -514.330; -301-531; -301-533.100 and -533.110; -301-533.200 and 210; -301-533-610 through 614; -301-533.620; -301-533.700 through 714; -301-553.700; -301-553.800; -301-733.100; -301-733.210; -301-742.200; -301-742.224; -301-742.225, -742.225.1 and -742.225.2; -301-743.100; -301-743.120; -301-743.131.3 through 131.6; -301-880.130; -302-316.500; R. 645-400.132; and R. 645-401-810.
March 20, 1998	December 4, 2001 ..	Definitions of "material damage," "non-commercial building," "occupied residential dwelling and structures related thereto," "replacement of water supply," and "State-appropriated water supply" at Utah Admin. R. 645-100-200; 645-301-525 through 525.170; 645-301-525.200 through 525.240; 645-301-525.300 through 525.313; 645-301-525.400 through 525.490; 645-301-525.500 through 525.550; 545-301-525.600; 645-301-525.700; 645-301-724.600; 645-301-728.340; 645-301- 728.350; and 645-301-731.530.
March 28, 2002	November 6, 2002 ..	Definition of "Water Supply," "State-appropriated Water," and "State-appropriated Water Supply" at Utah Admin. R. 645-100-200; Utah Admin. R. 645-105-310 through -314; R. 645-301-525.130 and -525.700; Utah Admin. R. 645-301-728.350; R. 645-301-860.110 through -860.112; R. 645-400-162; and R. 645-400-319, -322, and -381.
October 22, 2002	August 27, 2008	Utah Code Annotated 40-10-10(1), (2)(a)(i) through (vi), (2)(b)(i), (i)(A) and (i)(B), and (ii), (2)(c)(i), (c)(i)(A) through (C), and (2)(c)(iii), (3)(a), (b), and (c), and (4)(a) and (b). Decision deferred on UCA 40-10-10(2)(d) through (2)(d)(ii) and 40-10-10(5).
November 28, 2005 and February 16, 2006.	June 8, 2006	Utah Adm. R. 645-301-160, 645-301-512.100, 645-401-330, and 645-401-400.
August 31, 2007	August 12, 2008	Utah Code Annotated 40-10-10(2)(d), (5), 40-10-12(1)(e).
May 28, 2008	September 1, 2009	Utah Admin R 645-303-222. Utah Admin. R.645-100-200 definition of intermittent stream; 645-301-131.300; 645-301-535.210; 645-301-535.223; 645-301-551; 645-301-631; 645-301-631.200; 645-301-731.610, 645-301-742.320; 645-301-742.321; 645-301-742.323, 645-301-742.324, 645-301-742.331, 645-301-742.412; 645-301-765.
May 19, 2009	December 7, 2009 ..	UCA § 40-10-11, 40-10-17/Deletion of repeal dates for remaining provisions.
August 9, 2010	February 12, 2013 ..	R645-100-200 Definition of Valid Existing Rights; R645-103-221; R645-103-223; R645-103-224; R645-103-225; R645-103-230 through -240; 645-201-328; 645-201-342; 645-300-133; 645-301-115; 645-301-411

[62 FR 9955, Mar. 5, 1997, as amended at 62 FR 41849, Aug. 4, 1997; 63 FR 63611, Nov. 16, 1998; 66 FR 20606, Apr. 24, 2001; 66 FR 62935, Dec. 4, 2001; 67 FR 67540, Nov. 6, 2002; 71 FR 33254, June 8, 2006; 73 FR 46807, Aug. 12, 2008; 73 FR 50545, Aug. 27, 2008; 74 FR 45120, Sept. 1, 2009; 74 FR 63990, Dec. 7, 2009; 78 FR 9811, Feb. 12, 2013]

§ 944.16 [Reserved]

§ 944.20 Approval of Utah abandoned mine plan.

The Utah Abandoned Mine Plan, as submitted on February 9, 1983, and as subsequently revised, is approved effective June 3, 1983. Copies of the approved program are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203, Telephone: (801)538-5340.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical

Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

[60 FR 33725, June 29, 1995, as amended at 60 FR 54593, Oct. 25, 1995]

§ 944.25 Approval of Utah abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of

final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
July 26, 1991	August 19, 1992	UCA 40–10–25(1), (2)(c), (e), (f), (3)(a), (b), (c), .1(1)(a), (b), (2)(a), (b), (c), (3)(a) through (d), .2(1), (2), –27(10)(b), –28.1(1) through (7).
March 7, 1994	September 27, 1994	UCA 40–10–28(1), (a)(i), (b), (2)(b), .1(6).
April 14, 1994	July 19, 1995	UCA 40–10–25(2)(d), (e), (3), (a), (b), (4), (5), (6), –27(5)(a), (12)(b), –28(1)(a)(ii), (2)(a).
May 27, 1997	August 4, 1997	UCA 40–10–25(6)(b).
August 2, 1995	February 22, 1999 ..	Utah Admin. R. 643–870–500; 643–874–100 and –110; 643–874–124 through –128; 643–874–130 through –132; 643–874–140 through –144; 643–874–150; 643–874–160; 643–875–120 through –200; 643–877–141; 643–879–141; 643–879–152.200, –153, and –154; 643–882–132; 643–884–150; and 643–886–232.240.

[62 FR 9956, Mar. 5, 1997, as amended at 62 FR 41850, Aug. 4, 1997; 64 FR 8517, Feb. 22, 1999]

§ 944.30 State-Federal Cooperative Agreement.

The Governor of the State of Utah (Governor) and the Secretary of the Department of the Interior (Secretary) enter into a Cooperative Agreement (Agreement) to read as follows:

ARTICLE I: INTRODUCTION, PURPOSES AND RESPONSIBLE AGENCIES

A. Authority: This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved by the Secretary of the Interior under 30 U.S.C. 1253, to elect to enter into an agreement for State regulation of surface coal mining and reclamation operations on Federal lands. This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR part 3480 through 3487, and surface coal mining and reclamation operations and activities in Utah on Federal lands (30 CFR Chapter VII Subchapter D), consistent with SMCRA and the Utah Code Annotated (State Act) governing such activities and the Utah State Program (Program).

B. Purposes: The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and activities and coal exploration operations not subject to 43 CFR part 3480, Subparts 3480 through 3487; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all lands in Utah in accordance with SMCRA, the Program, and this Agreement.

C. Responsible Administrative Agencies: The Utah Division of Oil, Gas, and Mining (DOGM) will be responsible for administering this Agreement on behalf of the Governor. The Office of Surface Mining Reclamation

and Enforcement (OSMRE) will administer this Agreement on behalf of the Secretary.

ARTICLE II: EFFECTIVE DATE

After being signed by the Secretary and the Governor, this Agreement will take effect 30 days after publication in the FEDERAL REGISTER as a final rule. This agreement will remain in effect until terminated as provided in Article XI.

ARTICLE III: DEFINITIONS

The terms and phrases used in this Agreement which are defined in SMCRA 30 CFR parts 700, 701 and 740, the Program, including the State Act, and the rules and regulations promulgated pursuant to that Act, will be given the meanings set forth in said definitions.

Where there is a conflict between the above referenced State and Federal definitions, the definitions used in the Program will apply.

ARTICLE IV: APPLICABILITY

In accordance with the Federal lands program, the laws, regulations, terms and conditions of the Program are applicable to Federal lands in Utah except as otherwise stated in this Agreement, SMCRA 30 CFR 740.4, 740.11(a) and 745.13, and other applicable Federal laws, Executive Orders, or regulations.

ARTICLE V: GENERAL REQUIREMENTS

The Governor and the Secretary affirm that they will comply with all the provisions of this Agreement.

A. Authority of State Agency: DOGM has and will continue to have the authority under State law to carry out this Agreement.

B. Funds: 1. Upon application by DOGM and subject to appropriations, OSMRE will provide the State with the funds to defray the costs associated with carrying out its responsibilities under this Agreement as provided in section 705(c) of the Federal Act, the